

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

PWC

Mailed: January 14, 2002

Opposition No. 91-114,439

ITT INDUSTRIES, INC.

v.

QED ENVIRONMENTAL
SYSTEMS, INC.

Peter Cataldo, Interlocutory Attorney

On December 19, 2001, the Board issued an order allowing applicant thirty days to show cause why judgment by default should not be entered against it for failure to file an answer to the notice of opposition. It has since come to the Board's attention that on December 4, 2001, opposer filed a consented motion for continuation of suspension of this proceeding in light of continued settlement negotiations between the parties herein.¹ In view thereof, applicant's default is hereby set aside and the motion to suspend is **granted** to the extent indicated below.

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended

¹ At the time the Board issued its December 19, 2001 order, opposer's December 4, 2001 consented motion had not yet been associated with the instant proceeding file.

Opposition No. Error! Reference source not found.

until **six months** from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming proceedings and resetting the time for applicant to file an answer or other response to the notice of opposition.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

However, the Board notes that the instant cancellation proceeding was instituted on August 13, 1999. Since that date, the parties have filed numerous requests for extension of time occasioned by the commencement of settlement discussions.

In view thereof, all further requests for extension of time must be accompanied by a report on the progress of the parties' settlement talks to establish good cause for any continued suspension.

This report should include a recitation of issues that have been resolved; issues that remain to be resolved; and a firm timetable for resolution. Absent such a report, the Board will look with disfavor on any future motions to extend or suspend, even those stipulated to by the parties.